## REMARKS

Claims 1-17 are pending and rejected in this application. Claims 1-3, 10 and 12 are amended hereby.

Responsive to the Examiner's rejection of claims 1-17 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,043,748 (Touchton, et al.), Applicant has amended claims 1-3, 10 and 12 and submits that claims 1-17 are now in condition for allowance.

Touchton et al. disclose a programmable electronic tracking system 5 (Fig. 1) wherein dog 10 is equipped with a programmable relay collar 14 which includes detection circuitry and transmission circuitry, preferably battery operated (column 4, lines 19-21 and lines 44-47). The reception circuitry detects signals from positional satellites 16, as well as update and stimulus signals from the remotely located processing station 22 (column 4, lines 47-50). The transmission circuitry relays positional satellite data to the remotely located processing station 22 (column 4, lines 50-51). Collar 14 attached to animal 10 is placed in relay mode to monitor the whereabouts of the animal relative to a configuration data file stored in the memory of the remotely located data processing station 22 (column 5, lines 5-8). In the preferred embodiment, as an animal approaches within a preset distance of a programmed boundary, such as twenty to thirty feet, the relay rate may adjust accordingly, increasing for example from one sample per second to upward of ten samples per second (column 5, lines 17-21). The adjust enable is activated by processing station 22 through an adjust enable signal 48 as identified by step 44 and determined by logical step 52 (column 5, lines 21-24). If such data as processed by the remotely located processing station indicates that the animal is seeking to breach a configuration boundary step 46, a stimulus enable signal step 50 is broadcast from the remotely located processing station 22 to relay collar 14 (column 5, lines

57-61). The stimulus enabled signal activates the relay collar to provide a correction stimulus, such as a mild shock or an audible signal, to the animal (column 5, lines 61-63). An alarm or indication at the processing station 22 may be activated to alert a user in the vicinity that processing station of a breach or potential breach of the confinement area (column 5, lines 63-67). The programmable collar configures a set of confinement boundaries when operating in a program mode (column 6, lines 24-25). Program mode enables the programmable relay collar to relate specific geographical coordinates or boundaries to detected positional satellite signals (column 6, lines 25-28). The programmable relay collar 14 includes a receiver/transmitter and when collar 14 is placed in program mode the transmitter is enabled to define an area of confinement relative to the positional signals of a group of satellites (column 6, lines 29-33). In program mode collar 14 is physically transported along a desired confinement boundary (column 6, lines 34-35). The satellite parameters unique to the boundary coordinates are transmitted by collar 14 to the remotely located processing station 22 for storage (column 6, lines 35-37). The programmable collar defines the area confinement by transmitting a data set of satellite parameters to the remotely located processing station 22 (column 6, lines 37-39). The remotely located processing station 22 stores the data set in a volatile or non-volatile memory (column 6, lines 40-41). Thus, a plurality of configuration files each defining a unique boundary may be created and stored for use with different sized animals or different confinement locations and these data configuration files are stored on volatile memory medium such as floppy disk, cd-roms, etc. for use with collar 14 at alternate locations equipped with processing stations 22 (column 6, lines 41-48). In an alternative embodiment the functions of the remotely located data processing station are performed by the relay collar eliminating the need for communication device 20 and processing station 22 (column 7, lines

37-40). In this embodiment the relay collar performs all calculations (column 7, lines 40-41).

In contrast claim 1, as amended, recites in part:

> stimulation being applied based on animal positional variables comprising at least one of a distance from said boundary, a speed of travel within said boundary, and acceleration of travel within said boundary, and a direction of travel within said boundary.

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Touchton, et al. or any of the other cited references, alone of in combination, and includes distinctive advantages thereover.

Touchton, et al. disclose a programmable electronic tracking system wherein a dog is equipped with a programmable relay collar. As the dog approaches within a preset distance from a programmed boundary the relay adjusts the number of samples taken per second as part of the determination as to whether stimulus should be applied to the collar. Rather than merely determining the position of the collared animal relative to a boundary, the present invention determines the distance from the boundary, a speed of travel within the boundary, acceleration of travel within the boundary and a direction of travel within the boundary in order to determine the motion of the dog so that the type and intensity of the stimulus may be determined and supplied. Therefore, Touchton, et al. and any of the other cited refernces, alone or in combination fail to disclose, teach or suggest a stimulation that is applied based on animal positional variables comprising at least one of a distance from a boundary, a speed of travel within a boundary, an acceleration of travel within a boundary in a directional travel within a boundary, as recited in claim 1.

An advantage of Applicant's invention is that an estimated time of arrival to the boundary can be calculated, which is useful in determining the amount of stimulus to apply to

an animal that is approaching the boundary. Additionally the intensity of the stimulus can depend upon the speed at which the animal is approaching the boundary. For example, if an animal is rapidly approaching the boundary a high level of stimulation may be applied immediately, versus a slow approach of the boundary, which can result in a low level of stimulation being applied. For the forgoing reasons, Applicant submits that claim 1, and claims 2-9 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 10, as amended, recites in part:

> said stimulation being applied based on animal positional variables comprising at least one of a distance from said boundary, a speed or travel within said boundary, an acceleration of travel within said boundary in a direction of travel within said boundary.

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Touchton, et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Touchton, et al. disclose a programmable electronic tracking system wherein a dog is equipped with a programmable relay collar. As the dog approaches within a preset distance from a programmed boundary the relay adjusts the number of samples taken per second as part of the determination as to whether stimulus should be applied to the collar. Rather than merely determining the position of the collared animal relative to a boundary, the present invention determines the distance from the boundary, a speed of travel within the boundary, acceleration of travel within the boundary and a direction of travel within the boundary in order to determine the motion of the dog so that the type and intensity of the stimulus may be determined and supplied. Therefore, Touchton, et al. and any of the other cited refernces, alone or in combination fail to disclose, teach or suggest a stimulation that is applied based on

animal positional variables comprising at least one of a distance from a boundary, a speed of travel within a boundary, an acceleration of travel within a boundary in a directional travel within a boundary, as recited in claim 10.

An advantage of Applicant's invention is that an estimated time of arrival to the boundary can be calculated, which is useful in determining the amount of stimulus to apply to an animal that is approaching the boundary. Additionally the intensity of the stimulus can depend upon the speed at which the animal is approaching the boundary. For example, if an animal is rapidly approaching the boundary a high level of stimulation may be applied immediately, versus a slow approach of the boundary, which can result in a low level of stimulation being applied. For the forgoing reasons, Applicant submits that claim 10, and claims 11-17 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In the Office Action the Examiner discussed elements of claim 1 and did not address the elements of the dependent claims. Applicant respectfully requests that the Examiner review the elements of the dependent claims in addition to the independent claims.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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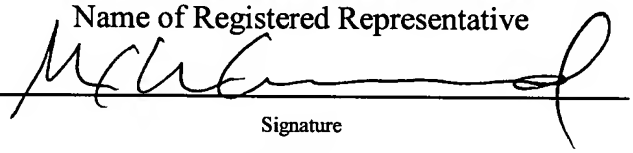

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September 9, 2004
Date